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S E C R E T SECTION 01 OF 03 KUWAIT 001088

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TAGS: [PREL](#) [PTER](#) [PGOV](#) [KU](#) [IZ](#)  
SUBJECT: FOR KUWAIT, THE SOFA A LITMUS TEST OF IRAQI  
INTENTIONS AND IRANIAN INFLUENCE

REF: A. STATE 111308  
[1](#)B. STATE 111313  
[1](#)C. STATE 113811  
[1](#)D. KUWAIT 1074

Classified By: Ambassador Deborah Jones for reasons 1.4 b and d

#### Summary

[1](#)1. (S/NF) During an October 26 meeting, Kuwaiti FM Dr. Shaykh Mohammad Al Sabah suggested to Ambassador that Iraq's acceptance or rejection of the U.S.-Iraqi SOFA will be a litmus test for future Iraqi behavior towards its neighbors. While characterizing their bilateral relations as "correct," the FM lamented the divergence in GOK and GOI priorities in normalizing relations: Iraq dwells on debt and compensation matters while overlooking Kuwait's crucial border concerns. The FM suggested the Kuwaiti PM's planned trip to Baghdad might not be opportune in the midst of the current "churn" over the SOFA. Dr. Mohammed accepted without comment the news that Kuwait would not be included in the November 15 White House Summit on Financial Markets, as requested, and that Treasury DepSec Kimmitt's October 30 visit was an opportunity for Kuwait to inform those discussions. The FM offered little response to Ambassador's mention of charges levied against two Kuwaiti GTMO detainees and the MNF-I detention of alleged Kuwaitis in Iraq. When pressed on Kosovo, the FM stated that recognition was still problematic for Kuwait, but added that Kuwait stands ready to support Kosovo in every way "short of recognition." End Summary.

#### SOFA: Best Assurance for Regional Stability

[1](#)2. (S/NF) During their October 26 meeting, Ambassador described the terms of the U.S.-Iraqi SOFA to Kuwaiti FM Shaykh Dr. Mohammad Al Sabah (ref A.), underscoring that the agreement was essential for buttressing Iraq's long-term stability. Ambassador noted that getting the SOFA signed before the December 31 expiration of the UN Chapter 7 mandate for foreign forces in Iraq was our number one priority and sought Kuwait's public support for the agreement and any influence the GOK might have with Iraqi factions, in particular VP Adel Abdul-Mehdi and ISCI leader Ammar Al-Hakim.

[1](#)3. (S/NF) The Ambassador stressed that it was a mistake for the Iraqis to conclude that U.S. forces would remain absent legal authorities or that Iraq could get a better deal under a UN extension. The FM received the presentation with interest and offered no response other than to express deep skepticism for the intentions of the al-Malliki government: "If they treat you like this (i.e. rejecting the SOFA) after

all you've done for them, how can we expect to be treated by them?"

Kuwaiti PM's Visit to Iraq: "Bad Timing?"

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14. (S/NF) In response to the Ambassador's query, the FM wondered aloud whether it made sense for the Kuwaiti PM to travel to Iraq in the midst of "this political churn." The visit, when it occurs, must be a success, he said, and Kuwaiti interests would not be served if the PM slipped into Iraq "like a thief in the night." Though not laying out specific conditions, the FM said there must be some "give" or gesture of Iraqi commitment to the bilateral relationship, such as the naming of an Ambassador to Kuwait. Citing widespread Kuwait mistrust of the al-Malliki government, including within the obstreperous National Assembly (whose members have already challenged Kuwait's naming an Ambassador to Baghdad absent a reciprocal gesture), the FM said perceived Iraqi arrogance was delaying further reconciliation with its neighbors. Ambassador urged that Kuwait not place excessive conditionalities on the PM's visit.

Kuwaiti Priorities in Iraq

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15. (S/NF) Ambassador pulsed the FM on the utility of having a neutral mediator engage on outstanding issues between the Kuwaiti and Iraqi governments. The FM replied that the bilateral relationship was "correct" and third-party mediations unwarranted, but complained that bilateral initiatives were "lop-sided:" Kuwait needed to see Iraqi

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acknowledgment of Kuwaiti concerns. Right now, their priorities were different: Kuwait was focused on border issues; Iraq on debt and compensation.

--Borders: Recalling an Iraqi PM Nouri al-Malliki remark trivializing Kuwaiti border concerns -- "What's one foot here or there between countries?" -- the FM stated, "We cannot move to other issues without the resolution of borders." Recalling earlier challenges by al-Malliki to the UN demarcations while in parliament, the FM said al-Malliki's "rejection" of the reaffirmation in UNSCR 833 of the inviolability of the two countries' clearly demarcated borders is the primary source of Kuwaiti mistrust of the Iraqi PM. He added that al-Malliki's refusal to accept the demarcation led to the postponement by a year of a UN team's scheduled September 2008 visit to maintain the border.

--Encroaching farms: The FM noted that the GOK had offered eight months earlier to fund the relocation and building of homes for Iraqi farmers encroaching the Kuwaiti border, and added that the money for this project was previously disbursed to a UN Compensation Commission escrow account. However, according to the FM, the GOI had enjoined its citizens from taking advantage of this fund. "Again," he said, "what signal does that send to us?"

--Kuwait Airways Deal. The FM suggested Kuwait is in no hurry to settle the Kuwait Airways deal, noting that the Iraqis must meet the requirements of the lawsuit to avoid having their assets frozen. The FM was receptive to a "creative" deal on the Iraqi side, but made clear that the Iraqis must stick to the agreed terms of any such arrangement.

16. (S/NF) Responding to Ambassador's remark that it might be time to contemplate integrating Iraq into the GCC security architecture, the FM asked, "Are we talking about the same Iraq? The one headed by al-Malliki?" Observing that the GCC was established to offset Iranian and Iraqi threats, the FM posited somewhat sarcastically, that with al-Malliki at the helm, and the GOI doing Iran's bidding, the threat to the region had been compounded.

## Alleged Kuwaiti Detainees in Iraq

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¶17. (S/NF) Ambassador noted recent press reports that Iraq would shortly be releasing detainees held in its prisons, among them possibly nine detainees currently held by MNF-I claiming Kuwaiti nationality. The Embassy earlier had provided names, pictures, dates and places of birth of these detainees to the Kuwait State Security which determined that only one of them, Abdulrahman Al-Bathaly, was Kuwaiti. In response to Ambassador's proposal that a joint US-GOK team interview the detainees to make a final determination, the FM replied that Kuwait was a "small town" and "we would know if someone were missing," making it clear that the onus was on MNF-I to positively identify and arrange for the disposition of these detainees.

### Kuwaiti GTMO detainees

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¶18. (C) The FM similarly offered no response to Kuwaiti press articles reporting that Kuwaiti GTMO detainees Fouad Al-Rabia and Faiz Al-Kandari had been formally charged by U.S. military courts with conspiracy and supporting terrorism. Ambassador passed to the FM copies of the war crimes charge sheets and a fact sheet on military tribunals provided by NEA/ARP.

### Kosovo Recognition Still Problematic

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¶19. (C) Following up on ref B request to accelerate recognition of Kosovo by regional states, Ambassador asked whether the UAE's recent recognition of Kosovo would have any impact on Kuwait's own decision-making. The FM replied that the recognition of Kosovo, outside of what he characterized as "proper" UN legal requirements remained problematic for Kuwait. In the end, he conceded, it will probably happen, but more time was needed to ensure rational decision-making. The FM pledged that Kuwait, for its part, stands ready to provide humanitarian assistance and support in every way "short of recognition."

October 30 Visit of US Treasury DepSec Robert Kimmitt

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¶10. (S/NF) Ambassador informed the FM that the G-20 would remain the contact group for the November 15 White House Summit on Financial Markets (ref C). (Note: Kuwait earlier had asked to be included - ref D. End note.) Ambassador noted that Treasury DepSec Kimmitt's October 30 visit was designed in part to enable Kuwait and other important financial partners who were not part of the G-20 to inform that dialogue. Ambassador added that serious concerns remained regarding terror financing facilitation emanating from Kuwait and that DepSec Kimmitt would likely raise outstanding RIHS issues. Ambassador provided the FM the Intelligence Community-cleared points on RIHS earlier passed to post via email.

### Ambassador Ali Al-Mou'min to Remain HOC Head

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¶11. (S/NF) In response to Ambassador's explanation of USG logistical and bureaucratic constraints in moving newly-credentialed Ambassador Ali Al-Mou'min to and from Baghdad, Shaykh Dr. Mohammad queried why Al-Mou'min -- expected to return to Kuwait October 30 -- was now denied the transportation and security privileges he enjoyed as Humanitarian Operations Center (HOC) Director. The FM explained that Al-Mou'min would continue in his role as HOC director and expressed hope that US Military transportation and security provisions would continue. The Ambassador did not encourage this arrangement.

Comment:

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¶12. (S/NF) The FM made clear that Iraq's response to the SOFA agreement would be considered a litmus test for future behavior towards its regional neighbors. Moreover, the Kuwaitis clearly see this a zero-sum game between the U.S. and Iran. An Iranian victory, i.e. the rejection of the SOFA, will serve only to confirm their worst suspicions that al-Malliki is merely a proxy for Iran. End comment.

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